

Before the State of South Carolina
Department of Insurance

In the matter of:)	
)	
Yolonda M. Burkett)	Default Order Revoking
)	Resident Insurance Agent's License
2023 Willow Oak Drive)	
)	
Columbia, S.C. 29223)	File Number 106727
_____)	

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served at the address detailed above, as required within S.C. Code Ann. § 38-3-170 (Supp. 2000), by the State of South Carolina Department of Insurance upon Yolonda M. Burkett, a licensed South Carolina resident insurance agent, by” depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested.”

The United States Postal Service attempted to effect service by certified mail, return receipt requested, and by regular mail. However, the United States Post Office at Columbia South Carolina, returned both letters to the Department, having marked them as “Moved Left No Address, Unable to Forward, Return to Sender.” Burkett is required as a licensed insurance agent to notify the Department of any change of address within 30 days pursuant to S.C. Code Ann. § 38-43-107 (1989).

That letter informed Burkett of her right to request a public hearing upon the allegations of impropriety contained within the letter against her. The letter further warned that her failure to make a timely, written request would result in my summary revocation of her license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, as of March 26, 2001, Burkett had neither timely answered nor requested a public hearing. On that day, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina for Continental General Insurance Company, Burkett misused her position as an insurance agent to obtain access to the checking account of Ms. Elizabeth W. Josey for the purpose of withdrawing money from the account of Ms. Josey, opening other service accounts (AOL, Gateway Computers), and making other purchases using Ms. Josey's checking account without the knowledge or consent of Ms. Josey.

S.C. Code Ann. § 38-43-130 (Supp. 2000) provides “[t]he Director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent...has

willfully deceived or dealt unjustly with the citizens of this State.” Misusing one’s position as an insurance agent to obtain access to the checking account of a client for the purpose of withdrawing money from the account , opening other service accounts, and making other purchases using the client’s checking account without the knowledge or consent of the client clearly constitutes “deceiving or dealing unjustly with the citizens of this state.”

In accordance with my findings of fact, and considering Burkett’s complete refusal to avail herself of her opportunity to be heard, I now conclude, as a matter of law, that Burkett willfully deceived and dealt unjustly with the citizens of South Carolina, thereby violating S.C. Code Ann. § 38-43-130 (Supp. 2000) and that her resident insurance agent’s license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina’s *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 2000), of the Director of Insurance, exercised either directly or through the Department of Insurance, to “report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report.”

It is therefore ordered that Yolanda M. Burkett’s license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to her.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Yolanda M. Burkett is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in dark ink, appearing to read "E. N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director

March 26, 2001, at
Columbia, South Carolina